SMT. BASAVA RAJESHWARI: I have already replied. Local issues were not discussed. Those issues which are common....*(Interruptions).*

SHRIMATI KAMLA SINHA: This is not local issue. Exploitation of women in export-processing zones is not a local issue. It is a SAARC area issue.

SMT. BASAVA RAJESHWARI: We have to discuss that after we come back and the final resolution is adopted. *(Interruptions).* After they come back, we will dicuss that.

उपसभाध्यक्ष (**कुमारी सरोज ख़ापर्डे**) सरला जी,मुझे लगता हैं कि आप लोगों ने जितने भी क्लैरीफिकेशसं ऑनरेबल मिनिस्टर से पूछे हैं,उन सबका जवाब उन्होंने दे दिया हैं और बार-बार अगर आप उसे रिपीट करके दूसरे ढंग से पूछेगी तो वह ठीक नहीं होगा ।

इसके लिए आलॉटिड टाइम एक घंटा तीस मिनट हैं । श्री राम जेठमलानी,श्री कृष्णलाल शर्मा,श्री सत्य प्रकाश मालवीय । अच्छा शर्मा जी,आप हैं । महिलाओं के बीच में आपको भूल ही गई

She has done very well. No more clarifications now. Now, we shall take up the Statutory Resolution and the Payment of Bonus (Amendment) Bill, 1995.

श्री कृष्णलाल शर्मा(हिमाचल प्रदेश): ऐसा होता हैं,महिलाओं का ।

उपसभाध्यक्ष (**कुमारी सरोज ख़ाकपर्डे**): आपका नाम भी तो ऐसा हैं । भूलना स्वाभाविक ही हैं ।

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PAYMENT OF BONUS (AMENDMENT) ORDINANCE, 1995

II. THE PAYMENT OF BONUS (AMENDMENT) BILL, 1995

श्री कृष्ण लाल शर्मा(हिमाचल प्रदेश): उपसभाध्यक्ष महोदया,मैं प्रस्ताव करता हूं कि:

"यह सभा राष्ट्रपति द्वारा 9 जुलाई 1995 को प्रख्यापित बोनस संदाय(संशोधन) अध्यादेश,1995 (1995 का संख्यांक 8) का तिरनुमोदन करती हैं ।"

महोदया,यह जो बोनस संदाय अधिनिमय,1965 के संशोधन के लिए एक विधेयक रखा गया हैं,बोनस संदाय संशोधन विधेयक,1995 इसके लिए मैंने डिसअप्रूवल के लिए भी रेज़ोल्यूशन मूव किया हैं और इस विधेयक पर मुझे कुछ अपने विचार भी रखने हैं । मैं इस विधेयक की भावना के या विधेयक में जो कुछ संशोधन किए गए हैं,उनके विरोध में नहीं हूं लेकिन मैं यह कहना चाहता हूं कि मैंने डिसअप्रूवल का जो अपना प्रस्ताव रखा हैं,निरनुमोदन का जो प्रस्ताव रखा हैं,उसका एक कारण हैं और वह यह हैं कि सिद्वांततः क्या यह बात आवश्यक हैं कि जो विधेयक हम संसद में लाना चाहते हैं,पहले उसको अध्यादेश के रूप में लाएं और फिर उसको यहां पर इस तरह से पेश करें ? जब ऐसी स्थिति हो जाती हैं कि 9 जुलाई को राष्ट्रपति जी के द्वारा यह अध्यादेश जारी हुआ और इसी महीने में हमारा संसद का सत्र होने वाला था । महोदया,आपके माध्यम से मैं चाहता हूं कि सभापति महोदय सरकार को यह निर्देश दें ।

कम से कम कोई मिनिमम गैप एक महीने का या दो महीने का अवश्य रखना चाहिए । ऐसा नहीं होना चाहिए कि संसद के सारे अधिकारों का हनन करके इस तरह से हमारे सामने चीजें रख दी जाए और हमें उन पर विचार करना पड़े । यह जो मेरे सामने विधेयक हैं इसमें यह प्रस्ताव पारिक करेंगे कि यह 14 अप्रैल,1993 से लागू होने वाला हैं इसके बारे में ऐसी कौन सी अरजेंसी थी कि अगर 20 दिन तक यह अध्यादेश नहीं निकलता तो कौन सा तूफान खड़ा हो जाता,पहाड़ टूट जाता । मैं समझता हूं एक मैटेलिटी,मनोवृत्ति सरकार में काम कर रही हैं कि हम कोई भी चीज बकायदा सदन में चर्चा करके,विचार-विमर्श करके या सलाह-मशिवरा करके पारित न करें बल्कि उसको अध्यादेश के द्वारा इस तरह से थोपना चाहते हैं कि सदन के सामने कोईचारा न रह जाए । पहले तो मैं इस पर अपना प्रोटेस्ट करना चाहता हूं और मैं चाहता हूं कि चेयरमैन साहब इस बारे में सरकार को निर्देश दें कि अध्यादेश जारी की मनोवृत्ति बंद की जाए और कम से कम कोई मिनिमम गैप एक महीने का दो महीने का हो,ऐसा निर्देश होना चाहिए ।हमने कभी-कभी देखा हैं कि सदन शुरू होने की पन्द्रह दिन पहले बल्कि कई बार तो दो दिन पहले ही अध्यादेश जारी कर दिया जाता हैं । इसलिए मैं इस पर अपना डिसअप्रूवल का प्रस्ताव रखता हैं ।

दूसरी बात यह कहना चाहता हूं कि बोनस संदाय अधिनियम,1965 संशोधन किया जा रहा हैं । इस संशोधन में मैं यह निवेदन करना चाहूंगा,जैस कि मंत्री महोदय ने स्वंय कहा कि पिछले दो सालों से इस पर चर्चा चल रही हैं,लोग एजिटेटिड हैं ।

कई ट्रेड यूनियनों ने इस बारे में आपको ज्ञापन दिये होंगे,आप से उनकी चर्चा हुई होगी तो मैं यह निवेदन करना चाहूंगा कि यह जो संशोधन लाये हैं क्या इस पर ट्रेड यूनियनों की सहमति हैं या इस प्रकार ने ट्रेड यूनियनों की सहमति के बिना ही अपनी तरफ से यह संशोधन रखा हैं या उनके जो सुझाव आपने लिये होंगे इनके बाद आपका जो अपना मत था उसी को यहां रखने की कोशिश की हैं ? दो संशोधन इसमें बताये गये है । एक संशोधन जो मूल अधिनियम 1965 हैं इसकी धारा 2 और खंड 13 में हैं कि पात्रता सीमा बोनस पेमेंट की 2500 से बढा कर 3500 कर दी जाए । दूसरा संशोधन से मूल अधिनियम की धारा 12 में कि अधिकतम सीमा जो पहले 1500 थी उसको बढ़ा कर 2500 कर दी जाए । मैं समझता हूं शायद सरकार ने सोचा होगा कि ये सीमाएं बढ़ा कर बहुत बड़ा उपकार कर रहे हैं,बड़ा भारी कोई काम कर दिया हैं लेकिन मैं यह कहना चाहता हूं कि इस समय परिस्थिति यह हैं कि हमने उदारीकरण नाम से कई क्षेत्र खोल दिये हैं और उन क्षेत्रों में दो नये क्षेत्र हैं टेलीकम्युनिकेशन और आयल ये दोनों क्षेत्र प्राइवेट कम्पनियों को दिये जा रहे हैं । जो प्राइवेट कम्पनी आयेगी उनके वेजेज देखिये, उनकी टर्म्स एंड कंडीशंस देखिये और अपनी टर्म्स और कंडीशंस देखिये । फिर हम कल को यह शिकायत करेंगे कि एक तरफ तो हम उदारीकरण कर रहे हैं और दूसरी तरफ हमारे टेक्रीशियंस,हमारे एक्सपट्र्स,हमारे दूसरे अच्छे लोग हमें छोड़ कर दूसरी प्राइवेट कम्पनियों में जा रहे हैं । इससे तो हमारे लिए प्रोब्लम ही पैदा होगी । अभी इंडियन एयरलाइंस में प्रोब्लम हैं,इयर इंडिया में प्राब्लम हैं,हमारे पायटल जा रहे हैं । अब यह जो चीजें हो रही हैं,हम अगर कुछ क्षेत्र उदारीकरण के नाम पर खोलना चाहते हैं तो क्या उसका प्रबंध अपने घर में करेंगे ? इसी तरह से मैचिंग वेजेज,मैचिंग बाकी फैसिलिटीज देने की कोई व्यवस्था करेंगे या नहीं ? महोदया,मैं मंत्री महोदया से विनम्र निवेदन करना चाहता हूं कि आज परिस्थिति इस प्रकार की नहीं हैं कि आप कोई एडहाक डिसीजन दें,टुकड़ों टुकड़ों में कोई डिसीजन करें । जो परिस्थिति हैं,जो संकट पैदा हो रहा हैं उसको देखते हुए यह उचित नहीं हैं । मुझे यह कहना हैं कि आपने देखा होगा कि ट्रेड यूनियनि के लोग केवल अब सीमा बढ़ाने के पक्ष में नहीं हैं । अब वह सीमा समाप्त करने के पक्ष में हैं । अब उसका कोई रेलेवेंस नहीं हैं, उसको कोई सार्थकता नहीं हैं । आज कोई सीमा तय करने के वे पक्ष में नहीं हैं । उनका कहना हैं कि चाहे किसी भी सीमा के लोग हों,उन सब को बोनस मिलना चाहिए । अगर आप यह व्यवस्था करते हैं तो शायद यह सब के लिए लाभदायक होगा और सब उसका स्वागत करेंगे,वेलकम भी करेंगे,उसको पंसद भी करेंगे । हमारे सामने दो मुश्किलें खड़ी हो रही हैं तो हमारे लोग हमें छोड़कर दूसरी तरफ जाते हैं । ऐसा टेम्पटेशन जो होता है,अट्रेक्शन होता हैं अगर यहां भी अनुकूल होंगे तो वह वहां जाने का विचार नहीं करेंगे ।यह हर एक क्षेत्र के बारे में हैं । जितने भी क्षेत्रों में आप सोच रहे हैं उदारीकरण के बाद हम यह चाहते हैं किसरकार बेसिकतौर पर,आमूलचूल इस नीति की समीक्षा करे और सरकार इस पर पुनर्विचार करें । जो हमारी बेज नीति हैं,जो हमारी बोनस नीति हैं या बाकी जो इस तरह की चीजें लोगों के सामने आपने रखी हैं,उसके बारे में सरकार को मूलभूत तरीके से विचार करना चाहिए । अब इस तरह से टुकड़ों में विचार करने से कोई लाभ नहीं होगा । इसलिए मैं दोनों चीजों को आपके सामने रख रहा हूं । मैं यह कहना चाहता हूं कि इस समय सीमा रखने का कोई रेलेवेंस नहीं हैं । आज समय आ गया हैं कि हम यह सीमायें हटा दें । कोई सीमा किसीप्रकार से न रखें । अगर आप इस तरह का कोई संशोधन लायेंगे तो मेरे ख्याल में सदन में सब लोग इसका स्वागत करेंगे । इसके बाद आगे भी इसके अच्छे परिणाम निकलेंगे । इसलिए हम लोग यह मांग कर रहे हैं,आपके सामने यह बात रख रहे हैं कि आप इस पर गंभीरता करके इस बिल में सरकार अपनी तरफ से संशोधन लाए कि अब इसके ऊपर कोई सीमा नहीं होगी । अगर सरकार ऐसा करेगी तो मैं समझता हूं कि सरकार को इसका श्रेय मिलेगा अगर पात्रता की सीमा समाप्त होती हैं तो फिर केलकुलेशन सीलिंग की जो सीमा हैं वह भी अपने आप समाप्त हो जाती हैं ।

दूसरी बात जो मैंने पहले कही हैं कि यदि अधिनियम होते हुए इसमें कोई संशोधन आता हैं तो अध्यादेश जारी करने की प्रवृत्ति जो हैं इसको टाला जाए । इसको छोड़कर हम बाकायदा चर्चा का मार्ग,विचार-विमर्श का मार्ग अपनाकर कोई निर्णय लें । मैं मंत्री महोदय से विनम्र निवेदन करना चाहता हूं कि वह मेरे निवेदन पर गंभीरता से विचार करे और इस सीमा को जो आपने 3500 तक बढ़ाई हैं,इसको बिल्कुल समाप्त करने का निर्णय खुद

लेकर सरकार नया संशोधन लेकर आए,यह मैं मांग करता हूं। बहुत बहुत धन्यवाद।

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Now, the Bill is to be moved. Shri P.A. Sangma.

SHRI S. MUTHU MANI (Tamil Nadu): Madam, I have given my name. I want to speak on it.

THE VICE-CHAIRMAN (Miss Saroj Khaparde): You can speak on it later. Let him move the Bill first.

THE MINISTER OF LABOUR (Shri P. A. Sangma): Madam, I beg to move:

> "That the Bill further to amend the Payment of Bonus Act, 1965, be taken into consideration."

Madam, the Payment of Bonus Act, 1965 provides for payment of bonus to employees as defined under the Act. According to the Act, "employee" means any person other than an apprentice employed on a salary or %age not exceeding two thousand and five hundred rupees per mensem in any industry to do any skilled or unskilled, manual, supervisory, managerial, administrative, technical or clerical work for hire or reward. However, according to section 12 of the Act, the bonus payable to an employee whose salary or wage exceeds one thousand and six hundred rupees per mensem has to be calculated as if his salary or wage were one thousand and six hundred rupees per mensem.

There has been a spate of representations from various trade union organisations, associations and individuals for ehancement or abolition of the aforesaid ceilings prescribed under the Payment of Bonus Act. Bonus being construed as deferred wage and involving 13 months' pay for 12 months' work, the question of total abolition of the eligibility limit and calculation ceiling under the Payment of Bonus Act, iy65 was considered keeping in view the paying capacity of enterprises, particularly as bonus is payable regardless of profitability. The Payment of Bonus Act applies to all establishments both in the public and private sectors, not all of which are economically viable. Removal of the eligibility limit and calculation ceiling and extension of the Payment of Bonus Act to cover all employed persons may impose financial burdens on weak or sick industrial undertakings beyond their paying capacity. Government, therefore, felt that in the present circumstances, the demand for abolition of the eligibility limit and calculation ceiling prescribed under the Payment of Bonus Act cannot be conceded without detriment to the interests of the workers themselves.

After careful consideration, the Government decided to enhance the eligibility limit for payment of bonus from Rs. 2,500/- to Rs. 3,500/- per mensem and the calculation ceiling from Rs. 1,600/- to Rs. 2,500/- per mensem. Accordingly, an Ordinance was promulgated or 9.7.1995 to give effect to the aforesaid amendments. The Ordinance is effective from 1.4.1993. The Bill under consideration is for the replacement of this Ordinance.

The proposed amendments to the Payment of Bonus Act, 1965 would go a long way in benefiting the workers who have gone out of the purview of the Act as a result of periodic wage revisions. It. is estimated that additionally two lakh employees in the Central public sector undertakings shall get the coverage of the Act. Besides, seven lakh employees of the Central public sector undertakings already covered under the Act shall further benefit from the enhancement in the computation ceiling. The total benefits to workers in the Central public sector undertakings* would be of the order of Rs. 203 crores.

Similarly, in the private sector additionally 24 lakh employees are expected to get included within the purview of the Payment of Bonus Act and a total benefit to the tune of

approximately Rs. 600 crores would accrue to them.

The proposed amendments of the Payment of Bonus Act, 1965 would meet the long-felt needs of low-paid employees of both the public and the private sectors and may, accordingly, be supported.

I commend the Bill for the consideration of the House.

The questions were proposed.

THE VICE-CHAIRMAN (Mis Saroj Khaparde): The Statutory Resolution and the motion are now open for consideration. Shri Sangh Priya Gautam.

श्री संघ प्रिय गौतम(उत्तर प्रदेश)**:** उपसभाध्यक्ष महोदया,विधेयक तो बहुत छोटा हैं और अधिक समय तक इस पर विचार करने की आवश्यकता भी नहीं हैं लेकिन आप जानती हैं कि भारतवर्ष एक कल्याणकारी राज्य हैं और कल्याण का अर्थ है लोगों को काम मुहैया करना । इसका सीधा अर्थ हैं लोगों की अधिक उद्योग में अधिक संख्या में नियुक्ति कराना । लेकिन मंत्री महोदय से पहले मैं यह पूछना चाहूंगा कि आप बोनस नीति में परिवर्तन करने जा रहे हैं संशोधनके माध्यम से लेकिन क्या पहले आप अपनी उद्योग नीति में भी परिवर्तन कर रहे हैं या नहीं ? बोनस नीति में परिवर्तन करने से पहले उद्योगनीति में आपको परिवर्तन करना चाहिए । आपके वर्तमान उद्योग क्या अधिक लोगों को काम दे रहे हैं या लोगों की काम से छंटनी करवा रहे हैं । मेरी जानकारी में उद्योगों से कर्मचारियों की छंटनी हो रही हैं । आप एक तरफ तो कहतेहैं कि हम कल्याणकारी राज्य में लोगों को काम देना चाहते हैं और दूसरी तरफ आप छंटनी कर रहे हैं । अगर आप बोनस विधेयक में संशोधन कर भी लेगे तो कर्मचारियों का क्या हित होगा । एक तो पहला प्रश्न यह हैं । इसलिए मैं आपसे निवेदन करना चाहूंगा कि आप अपनी उद्योग नीति में परिवर्तन कीजिए । बहुराष्ट्रीय उद्योगों को आने से रोकिए ताकि अपने देश के लोग अधिक से अधिक उद्योग लगाएं और मैन-पावर से चलें ताकि ज्यादा लोगों को काम मिले । इस प्रकार की आपकी उद्योग नीति होनी चाहिए । जहां तक आपके इस संशोधन का प्रश्न हैं,मुझे ताज्जुब हैं कि यह आपके स्टेटमेंट के आब्जेटिव का ही विरोधी हैं । मैं मंत्री जी आपका ध्यान चाहूंगा और आपको पढ़कर सुना रहा हूं-

> "The Payment of Bonus Act, 1965 provides payment of bonus to employees under the Act. According to clause (13) of section 2 of the Act, "employee" means any person (other than an apprentice) employed or a salary or wage not exceeding two thousand and five hundred rupees per mensem in any industry

इस फ्रेज की तरफ ध्यान चाहता हूं**:**-

to do any skilled or unskilled, manual, supervisory, managerial, administrative, technical or clerical work..."

जितने प्रकार की पद हो सकते हैं उन सारे पदों पर आसीन कर्मचारियों के बोनस में आप वृद्वि करने जा रहे हैं लेकिन इनमें बहुत से पद ऐसे हैं जिनकी तनख्वाहें ज्यादा हैं । तो फिर आप सीमा कैसे लगा सकते है ।यह तो इसके विरीत हैं । आपकी तो सीमा लगानी ही नहीं चाहिए । देयर शुड बी नो सीलिंग । दूसरी बात आपने आगे कहीं हैं-

> "The Central Government has been receiving representations from trade unions, individuals, and various associations for enhancement or for removal of the above ceilings."

तो आपके पास प्रतिनिधिमंडलों के ज्ञापन इस प्रकार के भी आए हैं कि इस सीलिंग को समाप्त करना चाहिए । तो आप स्पष्ट करें कि आपके पास ज्ञापन इन्हैंसमेंट के अधिक आए सा सीलिंग को समाप्त करने के अधिक आए । इसलिए यह सीलिंग आपको नहीं लगानी चाहिए थी। इसलिए ज्यादा न कहकर मैं मंत्री जी आपसे निवेदन करूंगा कि आप दूसरा एक संशोधन विधेयक लाइए और इसमें से सीमा को समाप्त कीजिए । धन्यवाद ।

SHRI V. NARAYANASAMY (Pondicherry): Madam, thank you for giving me this opportunity to speak on the Payment of Bonus (Amendment) Bill, 1995 which has been moved by the Labour Minister. This is one of the amendments that has been brought in on the basis of several representations from the trade unions and from the persons in public life and also from the Members of Parliament. This amendment has been brought in because representations came from various circles stating that there is

inflation and the cost of living has increased and, therefore, the fixation of ceiling limit on bonus is affecting a majority of the workmen. So, it should be considered. The hon. Minister after considering the pros and cons of it, has come forward with this Bill. Although I am not fully satisfied with the ceiling amount fixed by the hon. Minister, i.e. Rs. 3,500 and Rs. 2,500 respectively, by amending section 2 and section 12 of the Act, I would like to dwell upon three or four important points which the hon. Minister also knows. When it comes to the question of payment of bonus in the public sector undertakings, whether it is NTC or any other public sector undertaking in the country, we find that they go on strike.

The NTC mills are closed for months. It is my practical experience. In our area it so happens that when it comes to the question of negotiation for the purpose of finalising the bohus, the employees go on strike and the industry is closed. There is no production for one month. Thereby, the country does not get the benefit. Madam, the reason is that the management is trying to hide profits. When the workers try to cull it out, the management does not accept the terms of the employees, then they go in for arbitration and then to the Labour Court. During this process, the employees go on strike and until that time the employees do not get bonus. The bonus is given during the festival season. The employees get bonus for the purpose of celebrating the festival. That is the main purpose behind it. However, we call it 13 months salary. This kind of attitude prevails in our country. In the last four or five years, the hon. Minister tried to intervene and resolve a few disputes. It some cases he succeeded and in some cases he did not succeed. Madam, I would like to highlight one more aspect. The bonus is not settled for years together in the case of the NTC mills. In the case of some of the public sector undertakings, the money is given to the employees without even computing the bonus. This has to be removed. I would like to know from the hon. Minister the criteria that he has evolved to see that the mills remain in operation when such disputes arise, specially, in the case of NTC mills and other public sector undertakings. This is the case even with some private sector undertakings. But as they are interested in profits, the dispute is settled as early as possible. I agree with the hon. Minister when he says that the formula that has been evolved for the purpose of deciding the amount to be paid as bonus is not being adhered to. Therefore, the disputes arise. They do not agree to the terms, therefore, there is a deadlock. Madam, there is another area where the hon. Minister has to concentrate. The industry which employs more than 20 people comes under the Payment of Bonus Act. But there are industries, which employ more than 20 people but do not enter their names in the register. Thus, the industry is not under obligation to pay bonus to the employees. Even when the employees go on strike or go to the Labour Courts, they are not in a position to get any remedy. I would like to know the mechanism that is being evolved so that there is no scope for such misuse. There are inspectors. The Labour Inspectorate has been given enormous powers under Section 21 of this Act. I would like to know from the Minister as to how many industries which had been evading the payment of bonus have been found out and what action has been taken against them.

In important cities like Madras, Bombay and Calcutta, industries employ more than 30 to 40 people but in the registers, only the names of 18 people are shown. They employ them on daily wages and thereby they are evading the payment of bonus to the employees. I would like to know from the hon. Minister what mechanism is being worked out to see that all industries which employ more than 20 people pay bonus to their employees.

There is another area where the hon. Minister should concentrate and that is child labour. Child labour is convenient for the employer. He need not follow any rules; he need not pay the statutory bonus to them; he need not follow the Workmen's Compensation Act; and he need not fulfil any other statutory obligation in respect of child labour employed by him. What the employer is simply doing is that he employs child labour, pays them a paltry daily wage and provides them with poor quality food. And they leave the employer with little money in their hands. But the work that is extracted from them is about 75% of the work done by the regular workers.

Madam, several conferences were held. Some discussions were held in the United Nations and in some other countries also. The hon. Minister has also visited several quarries where children are working. He visited match factories where child labour is being employed. Several other establishements also employ child labour. During the Question Hour today, there was a question relating to beedi workers where also child labour is extensively employed. And we are not in a position to stop the employment of child labour in this country. I agree with the fact that our economic condition is such that child labour cannot be removed from this country totally. On this, I quite agree with the hon. Minister. But the employment of child labour in hazardous industries where it is being fully exploited by the employers has to be stopped. I know that the Minister took a keen interest and he has been putting in his wholehearted efforts to see that child labour is not employed in the hazardous industries. But, unfortunately, we have not been able to get the desired results, whether it is glass industry, match industry or quarries. Child labour is being employed despite efforts by the Government. We have been making a fervent appeal to the hon. Minister that strict action should be taken against those who employ child labour. But he is very clever in answering the question* in this House. Whenever he is asked, he says that he has been giving directions to the. State Governments to take appropriate action in the matter. He is squarely putting the blame on the State Governments. The State Governments, or their part, promptly reply that no child labour is being employed in the industries of their States and the hon. Minister goes by this statement of the State Governments. I feel that one has to look at the basic problem which is daunting this nation as far as child labour is concerned.

Another problem is with regard to payment of lesser wages to certain sections of labour. The wages that are paid to the women labourers, labour working in the unorganised sectors including the agricultural sector, shops and establishments and also certain industries arc much below the wages paid to men labourers and to those in the organised sector. We are also not able to stop the amount of exploitation that is taking place in spite of several enactments for the protection of their rights. One of the reasons for this is that there is no whole-hearted co-operation from the State Governments. Secondly, employers are adopting a method by which they can avoid the operation of the legislation against them. Here the role of the hon. Minister is very important. He has to monitor the whole issue. I would like to submit that the hon. Minister has to monitor the implementation of the various enactments in the States. There is no doubt that he is sending circulars, instructions, etc., to the State Governments and the State Governments are also responding very well. Several conferences were also held involving the Chief Ministers of the States and also the Labour Ministers of the State Governments. The hon. Minister has also taken a lot of interest to see that the implementation of the enactments relating to child labour, women labour and also those in the unorganised sector has been well done.

Madam, there is one more area where the hon. Minister has to lay more stress. In many private industries, even the minimum wages are not paid. The minimum bonus proscribed is also not paid by some private industries. The hon. Minister might have received a lot of complaints from various workers/ employees working in the private industries alleging non-payment of minimum wages, bonus, etc. I know that the minimum wages as prescribed under section 10 of the Minimum Wages Act are also not being paid to the employees in time.

Some of the industries are in Madhya Pradesh and some of them are in Uttar Pradesh. They don't pay bonus under the guise that they are incurring losses. Madam, even if the industry is running into loss, it is obligatory on the part of the employer to pay the minimum wages as required under section 10 of the Act. The procedure that has been provided for the recovery of even the minimum wages by an employee is a cumbersome one. I would like to tell the hon. Minister that in the case of payment of one month's salary by the employer to the employee, when the industry is making losses, sometimes the matter goes to the labour courts for arbitration proceedings, sometimes the matter goes to the High Court, it takes an enormous time and, ultimately, it is the employee who is the loser. The employee goes to the court... (Tune bell rings)... Madam, I will make only two points more and with that I will finish. The employee goes to the labour court, wastes his time and energy and he is also not in a position to attend to his work. Because of that, he loses his wages also. Therefore, a *via* media can be worked out through negotiations and the maximum amount of benefit can be given to the employee. There are some industries where the profit is more. That is th« Other exteme. The industry gives 20% bonus to the employees. They also give ex-gratia payment. I welcome it. The employees need incentives when they produce more. The employee's interests should be safeguarded. Only then, the employer's interest will be safeguarded. I quite agree with that. Sometimes, even the Government also pays to its employees in various forms. But if we take it cumulatively, that amount of Rs. 3,500/- is not sufficient, which is of cercem to every Member of this House. That is because that amount was fixed a long time ago, about ten or fifteen years ago. Then, the amount of Rs. 1,600/-, that has been fixed, is also not sufficient. I think the hon. Minister should reconsider it. Of course, I hold the theory that something is better than nothing. The hon. Members on the other side do not agree with this. But I feel that this amount of Rs. 3,500/- is going to benefit lakhs and lakhs of employees of the public sector and also the private sector employees. Madam, I feel that this Bill is very much warranted now. It has to be passed by the House unanimously because all the Members have to consider the situation under which this Bill has been brought forward.

Madam, I feel that the criterion that has been adapted is not being followed while computing the bonus in some of the public sector undertakings and also in some of the private industries. I would like to request the hon. Minister that he has to evolve some guidelines for payment of bonus so that unnecessary litigation is minimised and these provisions are implemented in right earnest. I am saying this because the calculations which you are making on the basis of the provisions of the Bonus Act and also on the basis of the balance sheet, are cumbersome.

And, therefore, the employees find out the tricks of the management and fight with the management. Why should we leave any scope for litigation? Therefore, I want the hon. Minister to come out with a methodology by which the total amount of profit can be worked out and based on that the amount of bonus to be

paid to the employees can be worked out. So, while welcoming the decision of the hon. Minister in bringing forward this Bill, I support this Bill and I feel that the hon. Members on the other side also should support it. Thank you.

SHRIMATI KAMLA SINHA (Bihar): Madam, after a long time, the Minister has brought this amendment with a closed fist. There was no need to bring this amendment so late, after an Ordinance. We have always been criticising the "Ordinance raj." The trade unions are demanding that the limit on bonus should be removed. Why? Madam, when the Bonus Act was passed, at that time the limit was Rs. l,60(y-. At that time the Consumer Price Index Was very low and the normal salary of a worker used to be around Rs. 400'- to Rs. 5(XK-. The upper limit of Rs. l,600/- was quite right at that time. Now almost 80% workers have crossed the salary limit of Rs. 2,500/- and many of them have crossed the salary limit of Rs. 3,500-'- also. It is due to increase in prices, inflation, D.A. and Variable D.A. In some cases, the Variable D.A. is also being included in the basic pay. So, this limit on bonus has become absolutely redundant. I would like to request the Minister not to be so close-fisted and there should be no limit on bonus. I would also request him for bringing in a new legislation wherein there should be no upper limit on bonus.

In the Statement of Objects and Reasons the Minister says that the trade unions have been demanding a change. For that an Ordinance was there and now an amendment has been brought in to replace the aforesaid Ordinance. This- is all very well. I would say that clause 2 which he wants to replace should be deleted and he should accept various amendments moved by the hon. Members.

Madam, as I said, every second day there is a price rise. The Minister, while introducing the Bill, today said that two lakh new public sector workers will be brought under the purview of this Bonus Act which will be in addition to the six lakh workers which are already getting bonus. Likewise, he said that about 24 lakh private sector workers used to get bonus and now more will come under the purview ef the Bonus Act. In my opinion, it is not so. After the introduction of the New Economic Policy, we have seen that more and more workers are losing their jobs and no new recruitment is being done. Almost in all sectors recruitment is closed. So, wherefrom are these new workers going to come for enjoying the benefits of the Bonus Act? It is not correct to say so. The private sector people know how to get out of the Bonus Act. We deal with such situations many a time. For that they have got a provision in the Bonus Act. As per that provision, they will apply to the Registrar trade union stating that the condition of the company is not good and it is not earning profit; of course, they don't show the balance sheet. They say that as the company is not earning any profit, there should be no bonus for workers... Bonus payment should not be mandatory for them, they should be allowed not to pay bonus. There comes a situtation where workers become helpless and then, of course, they have to pressurise the management to get their right—a minimum bonus of 8.33%. We know, it is called deferred wages. Workers work for 12 months and get 13th month salary as bonus. The Government should see to it that, come what may, the minimum bonus is paid without any legal hassle. According to the Bonus Act, Madam, there are some concerns, some factories which are outside the purview of that Act. I think, this should be removed. All these concerns should be brought within the purview of the Bonus Act. For example, LIC employees do not enjoy bonus facilities. Seamen, as per the Merchant Shipping Act, are outside the

'urview of the Bonus Act. Dock workers re also outside the purview of the Bonus Vet. Central Government and State Government employees are also outside he purview of the Bonus Act. Banking employees, RBI, IFCI, NABARD, UTI, DBI, National Housing Bank, all these employees are outside the purview of the Bonus Act. Hospitals, Chambers of Commerce, educational institutions etc. are outside the purview. Funnily enough, instruction workers, who work under contractors are also outside the purview. No law exists for construction employees. The Minister has been saying that he is going to bring a Bill for the construction workers. Uptill now he has done nothing. He has brought this amendment keeping in view the next elections. So, Madam, these are election gimmicks. A free hand has been given, as I said, to the employers. This should not be done. Keeping in view the price rise, everyday change in the price index, I would like to say that this slab limit should be removed and the Minister should accept the amendments. I also wish that the Minister would include the suggestion of my hon. colleague, Mr. Narayanasamy, that child labour should be brought under the purview of the Bonus Act and the rural workers also should be brought under the purview of the Bonus Act. Farm workers should be brought under this Act. I wish he would bring a legislation to include all these so that all these neglected workers, informal workers, are also brought under the purview of this Bonus Act. Neglected workers, Jwilight zone workers also should be brought under the purview of the Bonus Act. I hope, he will bring a separate legislation for them. With these words, I take your leave. Thank you.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Thank you. Now, Mr. Moolchand Meena.

SHRI GURUDAS DAS GUPTA (West Bengal): Will this discussion continue or the Enron issue is coming up? It is listed at 4 o'clock. It is listed on the agenda.

CLARIFICATIONS ON STATEMENT BY MINISTER

Enron Power Project at Dabhol in Maharashtra

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): Okay, it is 4 o'clock now, we will take up the Bonus issue tomorrow.

Now we would like to take up further clarifications on Enron. Before me there is a list. ...*(Interruptions)*...

SHRI JOHN F. FARNANDES (Goa): Has the Minister got a copy of the Review Committee of the Governemnt of Maharashtra? *(Interruptions)*

THE MINISTER OF POWER (SHRI N.K.P. SALVE): We have asked the Governemnt of Maharashtra to send us a copy of that.

4 P.M.

THE VICE-CHAIRMAN (MISS SAROJ KHAPARDE): He did not get a copy of that.

SHRI H. HANUMANTHAPPA (Karnataka): If he does not have a copy of the Report in full ...*(Interruptions)*... Postponing of the debate was only for that purpose ...*(Interruptions)*... Who-